

1. Prescribed Conditions

- (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder, and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced, stamped and staged as follows:

(a) Plans Reference:

Plans prepared by: Glendenning Szoboszlay Architects; Project Number. J1264			
Name of Plan	Drawing Number	Issue	Date
Overall Site Plan	A002	B	01-08-2017
Material Sheet	A004	B	01-08-2017
Lake Site – Demolition Plan	A012	B	01-08-2017
Lake site – Level 1 Plan	A021	B	01-08-2017
Lake site – Level 2 Plan	A022	B	01-08-2017
Lake site – Level 3 Plan	A023	B	01-08-2017
Lake site – Roof Plan	A024	B	01-08-2017
Lake site – Stage 1 Plan	A025	B	01-08-2017
Lake site – Level 2 & Demolition Plan	A026	B	01-08-2017
Lake site – Site Sections	A027	B	01-08-2017
Lake site – Site Elevations	A0289	B	01-08-2017
Triangle Block – Staging Equipment Building	A031	B	01-08-2017
Triangle Block - Elevations	A032	B	01-08-2017
Triangle Block - Sections	A033	B	01-08-2017
Triangle Block – Demolition Plan	A034	B	01-08-2017
100 Acre Woods – Refuge & Camping Area	A041	B	01-08-2017
100 Acre Woods – Refuge Floor & Roof Plan	A042	B	01-08-2017
100 Acre Woods – Refuge Elevations and Sections	A043	B	01-08-2017

100 Acre Woods – Refuge and Camping Area	A044	B	01-08-2017
Dining Hall – Ground Floor Plan	A051	B	01-08-2017
Dining Hall – Lower Level Plan	A052	B	01-08-2017
Dining Hall – Roof Plan	A053	B	01-08-2017
Dining Hall – Elevations Sheet 1	A054	B	01-08-2017
Dining Hall – Elevations Sheet 2	A055	B	01-08-2017
Dining Hall - Sections	A056	B	01-08-2017
Boat House – Ground floor Plan	A061	B	01-08-2017
Boat House – Plans & Sections	A062	B	01-08-2017
Boat House - Elevations	A063	B	01-08-2017
MPH & Pool – Floor Plan	A071	B	01-08-2017
MPH & Pool – Roof Plan	A072	B	01-08-2017
MPH & Pool – Elevations	A073	B	01-08-2017
MPH & Pool – Elevations and Sections	A074	B	01-08-2017
Office – Existing and Demolition Plan	A081	B	01-08-2017
Office – Proposed Plan	A082	B	01-08-2017
Office – Proposed Sections & Elevations	A083	B	01-08-2017
Lodge – Ground Floor Plan	A091	B	01-08-2017
Lodge – First Floor Plan	A092	B	01-08-2017
Lodge – Roof Plan	A093	B	01-08-2017
Lodge – Elevation South and West	A094	B	01-08-2017
Lodge – Elevations	A095	B	01-08-2017

North and South			
Lodge –Sections A & B	A096	B	01-08-2017
Lodge – Sections C & D	A097	B	01-08-2017
Cabins 1 – (2 + 3) Floor plans	A101	B	01-08-2017
Cabins 1 (2 +3) Roof Plan and Sections	A102	B	01-08-2017
Cabins 1 Elevations	A103	B	01-08-2017
Cabins 4 (5) – Floor Plans	A104	B	01-08-2017
Cabins 4 (5) – Roof Plan and Sections	A105	B	01-08-2017
Cabins 4 - Elevations	A106	B	01-08-2017
Cabins 2 - Elevations	A107	B	01-08-2017
Cabins 3 – Elevations	A108	B	01-08-2017
Cabins 5 - Elevations	A109	B	01-08-2017
Meeting Space 1 – Plans and Elevations	A111	B	01-08-2017
Meeting Space 2 – Plans, Sections and Elevations	A112	B	01-08-2017
Maintenance Shed – Ground Floor Plan	A121	B	01-08-2017
Maintenance Shed – Basement Plan	A122	B	01-08-2017
Maintenance Shed – Plans and Sections	A123	B	01-08-2017
Maintenance Shed – Elevations	A124	B	01-08-2017
Outdoor Chapel – Plans, Sections & Elevations	A131	B	01-08-2017
Outdoor Chapel – Access Platforms Plan	A132	B	01-08-2017
Game and Induction Structures	A141	B	01-08-2017
Climbing tower 1 + 2	A142	B	01-08-2017
Typical Gazebo Satellite Bin Store	A143	B	01-08-2017
Archery Structures	A144	B	01-08-2017

Low rope Activity Area	A145	B	01-08-2017
Beach Volleyball Court	A146	B	01-08-2017
Netball and Volleyball Court	A147	B	01-08-2017
Honeymooners – Cabin Works	A149	B	01-08-2017
House Site	A151	B	01-08-2017
House Site	A152	B	01-08-2017
House Site	A153	B	01-08-2017
House Site	A154	B	01-08-2017
House 2 – elevations and Sections	A155	B	01-08-2017
Stormwater	Northrop Engineers	SY152221	August 2017

(b) Document Reference:

Document	Reference	Author	Date
Statement of Environmental Effects Vol 1 and Vol 2 dated December 2016 except where amended by Vol 1 and Vol 2 dated August 2017	SEE and Response to Request for Further Information	JBA and Ethos Urban	December 2016 and August 2017

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments made by Council on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents, and
- (iii) Any conditions contained in this consent.

Staging: This consent includes consent to construct the development in two stages per the approved plans. Conditions, where relevant have been, allotted the appropriate stage for compliance. Where no allocation, compliance is required for both stages.

3. Construction Certificate

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

4. Occupation Certificate

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

5. Stormwater Disposal and Harvesting

The Stormwater Disposal and Harvesting design submitted with any Construction Certificate shall be generally in accordance with the plans and report approved by the Development Consent prepared by Northrop Engineers, Ref: SY152221 dated August 2017. The stormwater plans approved by this development consent are not approved for construction. The stormwater plans must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of DCP 2014 Engineering Guidelines.
- (b) Stormwater harvesting measures shall be constructed and maintained in accordance with the DCP 2014 Water Cycle Management Guideline. Stormwater drainage plans shall include details of the harvesting system, including rainwater tank details, pump details and reticulation diagrams.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- (c) All drainage works shall be carried out in accordance with the approved Construction Certificate plans.
- (d) A **Works As Executed Plan** is to be prepared by the plumber undertaking the works and must be submitted to the Principal Certifying Authority that demonstrates compliance with the approved Construction Certificate. If there are any changes from the Construction Certificate these should be highlighted in a different colour on the plan and certification must be provided from the design engineer that the changes do not affect the stormwater design outcomes.

6. Concrete Footpath – Stage 2

Concrete footpaths 1.2 metres wide shall be constructed/reconstructed along the full length of the street frontage at the cost of the person having the benefit of the consent. Concrete footpaving shall be constructed in accordance with Lake Macquarie City Council standard drawing EGSD-301 which is available from Councils website.

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works. No works shall commence prior to the issue of a Construction Certificate.

Prior to the issue of the final Occupation Certificate a certificate shall be issued by the Principal Certifying Authority stating that the work has been undertaken in accordance with the DCP 2014 Engineering Guidelines.

7. Vehicles Access Crossing and Kerb Layback – Stage 2

A paved vehicular access including kerb layback from the property boundary to the street shall be installed in accordance with DCP 2014 Engineering Guidelines and Councils Standard Drawings: EGSD-103, EGSD-201 or EGSD-104 (available from Councils website).

An approval under s138 of the Roads Act 1993 shall be obtained from Council prior to the issue of any Construction Certificate for those works.

Prior to the commencement of work the person having the benefit of the consent shall contact Council for footpath levels so that a suitable driveway can be constructed to provide vehicular access onto the site.

Prior to the issue of any Occupation Certificate, the paved crossing shall be completed for the building, at the owner's cost.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter to match adjoining kerb and gutter to the satisfaction of Council.

8. Erosion and Sediment Control

Prior to any works commencing onsite which do not require a Construction Certificate, appropriate erosion and sediment controls shall be installed in accordance with Development Control Plan 2014 (DCP 2014).

The final Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the certifier prior to the approval of the first Construction Certificate for the development. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with DCP 2014.

The final plan shall include a signed and dated Statement of Compliance stating (in full):

- i) This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;

- ii) The plan complies with the requirements for the area of disturbance in accordance with DCP 2014;
- iii) The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of total suspended solids (TSS); and
- iv) All erosion and sediment control measures are in accordance with DCP 2014.

The final ESCP / SWMP and the Statement of Compliance shall be provided to Council with the Construction Certificate documentation in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation (NSW) 2000.

All erosion and sediment controls shall be appropriately managed throughout the development to prevent pollution until the land is considered erosion resistant.

Any pollution from site shall be cleaned up immediately and appropriate repairs made to onsite controls.

9. Geotechnical Report Compliance

The recommendations of the Geotechnical Report No. 29457Zrpt Rev 1 prepared by JK Geotechnics dated 14 August 2017 shall be complied with. Any works undertaken in relation to the development shall embody all the relevant recommendations of the Geotechnical Report.

Where the geotechnical report requires inspections, a geotechnical engineer shall inspect the works at the stages as specified in that report.

Prior to the issue of the first Construction Certificate, the engineering plans shall be certified as being designed in accordance with the approved Geotechnical Report by a suitably qualified structural / civil engineer.

10. Fix Damage Caused by Construction Works

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

11. Disability Access Requirements

Access for people with disabilities must be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

12. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4.

Note: The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

13. Retention of Trees and Native Vegetation (Development)

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation; or
- (b) has been identified for selective removal by the NSW Rural Fire Service; or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained. Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Councils Development

Planner Flora and Fauna when exclusion fencing has been installed;

- (b) prohibiting compaction and the placement of fill within 5 metres of trees and native vegetation that are to be retained;
- (c) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (d) limiting the number of access points;
- (e) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (f) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

14. Protection Measures for Trees and Native Vegetation

All native trees and vegetation both on the site and on adjoining properties shall be retained and protected in accordance with DCP 2014 – *Tree Preservation and Native Vegetation Management Guidelines* (Section 6) and the Australian Standard AS4970-2009 – *Protection of Trees on Development Sites* unless they have been specifically identified for removal on the approved plans or documentation.

All underground utilities and other required excavations shall be routed away from any tree identified for retention, in accordance with the Tree Protection Zone dimensions as outlined in the *Existing Tree Schedule* component of approved Arborist Report (Hawkeswood, 02/02/2016).

Specific Tree Protection Measures shall include (but not be limited to):

- Tree Protection Zones (TPZ) shall be established around trees identified to be retained in accordance with Australian Standard AS4970-2009 – *Protection of Trees on Development Sites*
- A 1.8 metre high chain mesh fence shall be erected around each TPZ prior to works (within site) and must remain intact until construction is completed.
- Any excavation within the vicinity of identified TPZs shall be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they shall be cut with a saw (not ripped).
- A suitably qualified Project Arborist (AQF Level 5) shall be in attendance to supervise tree works on site during critical stages of construction, particularly when or if excavations are carried out within the identified TPZ of any tree nominated for retention.
- TPZs shall be mulched to a minimum depth of 100mm using organic mulch.
- Fences around Tree Protection Zones shall be sign posted to warn of its purpose.

- Storage of materials, building waste, excavated spoil, cement or any harmful materials is not permitted within TPZs.
- Any minor pruning of trees shall be carried out in accordance with Australian Standard AS 4373-2007 - *Pruning of Amenity Trees*, by a suitably qualified Arborist.

15. Biodiversity Management Plan and Implementation

A person qualified in natural vegetation management, ecology or bush regeneration shall be retained to prepare a Biodiversity Management Plan (BMP) in consultation with Council's Development Planner Flora and Fauna. The BMP shall be prepared in accordance with the *Lake Macquarie City Council Guideline for Vegetation Management Plans*. The BMP shall be submitted, to and approved by Council's Development Planner Flora and Fauna prior to the issue of the first construction certificate. The BMP shall include:

- Fencing and conservation signage on site boundaries,
- Blocking vehicle access and clean-up of dumping areas,
- Weed removal and revegetation as required including along the residential interfaces and illegal access areas. Revegetation shall include a minimum of 390 preferred squirrel glider feed trees including swamp mahogany *Eucalyptus robusta*, forest red gum *Eucalyptus tereticornis*, red bloodwood *Corymbia gummifera* and scribbly gum *Eucalyptus haemastoma*.
- Establishment of regular monitoring and response program which protects and enhances habitat for wallum froglet, squirrel glider, forest owls and *Tetratheca juncea* across the 100 Acre Wood site in perpetuity.

Implementation of the BMP shall commence immediately upon commencement of works including demolition works on site and shall be carried out in accordance with the BMP approved schedule of works.

Annual monitoring statements shall be provided to Council's Development Planner Flora and Fauna verifying compliance with the BMP. Implementation of the BMP may cease once outcomes of the BMP have been met, the works schedule completed and approval for the completion of works has been obtained from Council's Development Planner Flora and Fauna.

16. Hollow Bearing Tree Removal

A qualified ecologist or wildlife carer shall supervise installation of nest boxes and removal of any hollow bearing trees to ensure mitigation against any native animal welfare issues.

Removal of Trees with Habitat Hollows

Removal of trees with habitat hollows shall be undertaken outside of hollow dependent fauna hibernating and breeding periods (i.e. preferred clearing times occur in March/April and October / November). Any hollow-bearing trees shall be felled in one to two metre sections, beginning at the top of the crown. Lengths cut from the tree(s) shall be in a manner that will preserve the hollow(s) with each section inspected and appropriately treated to minimise impact to fauna.

Nest Box Installation

Six nest boxes are to be installed:

- At least two weeks prior to clearing and maintained in perpetuity;
- At least four metres above ground;
- Be of a design suitable for species that may be residing in trees marked for removal;
- Be of a design that is consistent with NSW Government 2011, *"Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects - Guide 8: Nest boxes"*, prepared by the Roads and Traffic Authority, September 2011 and NSW Government 2008, *"Guidelines for the design, construction and placement of nestboxes"*, prepared by the Department of Environment, Climate Change and Water, Biodiversity Conservation Section.
- At an orientation that is suitable for the species that the nest box has been designed. Micro bat nest boxes should be orientated at a north to north westerly aspect. Bird and mammal boxes should be orientated at an east facing aspect;
- In a manner that minimises damage to the trees and surrounding vegetation; and
- With a unique number affixed that can be read from the ground.

Nest Box Monitoring

Nest boxes shall be monitored to determine their usage and repairs or replacement (as required). Monitoring shall be carried out on an annual basis for a minimum period of five years following installation and/ or as otherwise agreed with Council.

Reporting

Council's Development Planner Flora and Fauna is to be provided with a written report following:

- Installation of nest boxes;
- Removal of hollow bearing trees; and
- Each annual monitoring/maintenance inspection.

Reports are to include the nest box identification number, artificial nest box or salvaged tree hollow type, GPS location (including GIS map), species and diameter at breast height of the host tree, artificial nest box or salvaged tree hollow height, nest box orientation, species use and nest box condition.

17. Squirrel Glider Poles

Within one month of vegetation clearing commencing in the Transfer Area, an assessment shall be undertaken to determine if squirrel gliders can continue to move through the area without going to ground, using the principles in Council's Squirrel Glider Planning and Management Guidelines. The results of this assessment shall be confirmed by Council's Development Planner Flora Fauna. If required, structures (glider poles) shall be provided to establish a functioning corridor to enable fauna movement (in particular squirrel gliders) between the Lakeside precinct and 100 Acre Wood through the Transfer Area (Lot 1 DP 1089567 20 Yarrawonga Park Road Balcolyn). Input from a squirrel

glider expert shall be obtained and included in the design, placement and to confirm the number of structures required.

The structures must be designed in consultation with Council and with consideration to site constraints including power lines and traffic/public safety requirements, have regard to any requirement of Roads and Maritime Services, and be certified by a practicing structural engineer. If required, the poles shall be installed within three months of vegetation clearing commencing, and monitored for a minimum of ten years with an annual monitoring statement provided to Council. Confirmation is required from Council's Development Planner Flora Fauna that revegetation works through the Transfer Area have re-established canopy connectivity prior to removal of the poles.

18. 88B Instrument – Stage 1

The Registered Proprietor of the land shall provide an instrument under Section 88B of the Conveyancing Act setting out terms of easements and/or restrictions as to user as may be required by conditions of this consent. Council shall be the party empowered to release, vary or modify those (and only those) easements and/or restrictions required by conditions of this development consent.

The Section 88B Instrument shall identify trees nominated for retention through the Lakeside precinct and Transfer Area (Tree Management No 1 and Tree Management Plan No 2, Xeriscapes 26/07/2017) as vegetation that shall be retained, protected and enhanced in perpetuity.

The Section 88B Instrument is to identify trees nominated for retention the development area in the 100 Acre Wood (100 Acre Woods Refuge & Camping Area Plan Demolition Plan, Glendenning Szoboszlay Architects Revision B 01/08/2017) as vegetation that shall be retained, protected and enhanced in perpetuity.

The Section 88B Instrument shall identify the development area in the 100 Acre Wood (100 Acre Woods Refuge & Camping Area Plan Demolition Plan, Glendenning Szoboszlay Architects Revision B 01/08/2017). The remainder of the site shall to be retained, protected, managed and enhanced in accordance with the 100 Acre Wood Biodiversity Management Plan.

19. Management of Site - Erosion Prevention and Sediment Control

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with DCP 2014 Guidelines – Erosion Prevention and Sediment Control Guidelines as soon as practical, and no later than the timeframes specified in Managing Urban Stormwater: Soils and Construction "The Blue Book" 4th Edition, Landcom, 2004.

20. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles

shall be located on the public footpath or road reserve without prior written approval from Council.

20. Landscape Works

Landscape works shall be constructed in accordance with the approved landscape plans, report and visual impact assessment as scheduled in these Conditions of Consent.

All landscape works shall be implemented under the full supervision of the landscape consultant, arborist and appropriately qualified landscape contractor and member of LNA Master Landscapers Association.

Landscape works shall conform to planting densities as scheduled with plants at nominated spacings in areas dedicated to planting. A hard garden retaining edge (timber or concrete) shall be installed to planting areas adjoining turf surfaces where mowing maintenance is intended and all planted areas covered with mulch to aid plant establishment.

All landscape works shall be maintained to achieve continuous healthy growth improving amenity and aesthetics over the site and meeting the aims for development in the Environmental zone.

At the practical completion of landscape works, the landscape consultant who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to issue of Occupation Certificate that establishes satisfactory completion of the landscape works approved by this consent

21. Standards for Construction of a Boat Shed

The boat shed roof shall not be used for any purpose other than a roof. Balustrades shall not be erected on the boat shed roof.

The boat shed shall not be used for any purpose other than the storage or maintenance of a vessel. Cooking facilities, washing facilities, wall lining or any other improvements which would make the boatshed suitable for habitation shall not be installed.

22. Consolidation of Lots – Stage 1

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, all lots associated with the site on the western side of Yarrawonga Park Road, shall be consolidated and registered at the Land and Property Information Services and a copy of the registered plan shall be provided to Council.

37 King Street, Balcolyn
2 Yarrawonga Park Road, Balcolyn
4 Yarrawonga Park Road, Balcolyn
6 Yarrawonga Park Road, Balcolyn
8 Yarrawonga Park Road, Balcolyn
10 Yarrawonga Park Road, Balcolyn
12 Yarrawonga Park Road, Balcolyn

20 Yarrawonga Park Road, Balcolyn(
40 Yarrawonga Park Road, Balcolyn (7 lots)

23. Hoarding and Construction Site Safety Fencing

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

24. Boundary Fencing

All costs associated with the removal and replacement of any fence shall be borne by the person with the benefit of the consent and not the relevant neighbouring property owners.

Fourteen days written notice shall be given to the relevant neighbouring property owner of the intention to erect the boundary fencing.

Within E2 zoned land only rural style fencing (wire and post) shall be used.

25. Storage of Maritime Vessels

Maritime vessels, boat trolleys, cradles or associated equipment shall not be stored within 6 metres of the Deed High Water Mark or on adjoining Crown Land or public reserve.

26. Advertising Structures and Signs

Development consent shall be obtained from Council prior to the erection of any advertising structures or signs on the site. This requirement does not apply to any exempt, complying, or previously approved signage.

27. Car Parking and Allocation of Spaces – Stage 1

A minimum of 70 car parking spaces (not including three staff dwellings) shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The car parking spaces are to be identified on-site by line marking and must be numbered. The car parking provided shall only be used in conjunction with the uses contained within the development and except as provided for in these conditions are not to be used other than by an occupant or tenant of the development.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons.

All designated car parking spaces shall be available for use only by employees and clientele during the business hours of the approved development unless shown otherwise on the approved plans but are not to be used as public carparking. No spaces shall be marked, signposted or otherwise identified as being for the sole use of staff only.

All car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

28. Bicycle Parking Racks – Stage 1

Secure bicycle parking/storage shall be provided to accommodate a minimum of seven bicycles on the site. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

29. Parking Areas and Access Ways

All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in DCP 2014 Guidelines - Engineering Guidelines and the Australian Standard AS2890. Signage shall be provided to indicate entry and exit only for the Lake Side site. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.

30. Lighting

Any lighting shall be installed to ensure minimal glare and light spill onto adjoining properties or roadways. Lighting shall comply with Australian Standard AS4282-1997.

31. External Storage of Products

The external storage or display of any products on the development site is not permitted.

32. Onsite Loading

All loading operations associated with servicing the site, must be carried out within the boundaries of the site, and must not obstruct other properties, access driveways, public roads or footpaths.

33. External Material Reflection

External cladding materials such as roofs, walls and windows shall have low-reflective properties.

34. Disability Access Design Audit – Stage 1 and Stage 2

A disability access design audit which has been certified by an accredited access consultant shall be submitted, certifying the development's compliance with the Access Management Plan (to be prepared), Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

This certification shall be submitted to the Principal Certifying Authority with the application for a Construction Certificate.

Note:

- (a) Compliance with the Building Code of Australia only, can still leave a building professional or building owner in contravention of the Disability Discrimination Act 1992.
- (b) The Association of Consultants in Access Aust Inc at www.access.asn.au may be able to provide further information.
- (c) The Access Management Plan should include details of how access to the pool gate for wheelchair users will be managed.

35. Ausgrid Requirements

Prior to the issue of the first Construction Certificate, any requirements of Ausgrid shall be obtained and a copy of the such requirements shall be lodged with Council and the Principal Certifying Authority. All works shall comply with the requirements of Ausgrid.

36. Building Sustainability Index (BASIX) Certificate

The development of the three staff dwellings shall be constructed in accordance with a current Building Sustainability Index (BASIX) certificate.

Should there be any changes to the specifications of the development (e.g. colour, insulation, etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate shall be obtained and may be relied upon as having complied with this condition.

A copy of any amended/new BASIX Certificate shall be submitted by the Principal Certifying Authority to Council within fourteen days of the receipt of the BASIX Certificate. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifying Authority.

37. Excavation and Retaining

Only retaining walls indicated on the approved plans shall be constructed under this consent.

No additional excavation/fill is to occur outside the area as shown on the approved plans.

No fill or retaining walls shall be located within any drainage easement located upon the subject property.

Retaining walls, footings and associated drainage works shall be located wholly within the subject property boundaries and shall be connected to the existing stormwater system or other approved stormwater system on the subject property.

Note: Some retaining walls are able to be erected without consent, as Exempt or Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Prior to erection of any retaining wall not approved under this consent, reference to the SEPP should be undertaken to ascertain whether approval is required.

38. Filling Importation and Compaction

Prior to works commencing, documentary evidence shall be provided to Council demonstrating that the proposed fill material is either:

- (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- (b) The material is from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
- (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication "Contaminated Sites - Sampling Design Guidelines dated September 1995".

Prior to works commencing, written certification from a suitably qualified geotechnical engineer that the material is suitable for the proposed use on the site, shall be provided to Council. Only that material certified by the geotechnical engineer shall be imported to the site.

Written details are to be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports and available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

All fill shall be placed in accordance with the standards specified in Table 5.1 of AS 3798-2007 "Guidelines on Earthworks for Commercial and Residential Developments."

39. Building Waste

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

40. Waste Management

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

41. No Works on Adjoining Public Reserve

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without a written license from Council. All costs associated with such a license shall be payable by the person having the benefit of the consent.

42. Works on a Road

Prior to the carrying out of any works on a road, the person having the benefit of the consent shall apply to Council for an approval under s138 of the Roads Act 1993. The road shall not be opened until the approval has been issued. The person having the benefit of the consent shall pay to Council the calculated road restoration fee (where the road surface is disturbed) prior to the issue of any occupation certificate.

The person having the benefit of the consent is given permission to open a grassed or natural surface footpath for the installation of all water services, cables, or mains. Upon completion of the work, the footpath shall be restored to its original state and ensure that there are no hazards that may impact on the public.

All precautions must be taken to protect the public while work is in progress. Traffic control shall be undertaken in accordance with Australian Standard AS1742 – Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

43. Unobstructed Footpath Access

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be

signposted and such signposting be maintained in a way that ensures public safety at all times.

44. Demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

No trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council.

Erosion and sediment control measures shall be installed prior to any demolition works and maintained in accordance with DCP 2014 Guidelines - Erosion Prevention and Sediment Control Guidelines.

Temporary toilet facilities shall be provided during the course of demolition at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

All demolition work shall be carried out strictly in accordance with *Australian Standard AS 2601—1991: The Demolition of Structures* and as in force at 1 July 1993.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. During construction all vehicles entering or leaving the site must have their loads covered, and must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris and the site shall be grassed or otherwise rendered erosion resistant.

45. Site Amenities

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an approved on-site effluent disposal system under the Local Government Act 1993, or
- (c) be a temporary chemical closet.

46. Swimming Pool

The pool safety barrier shall comply and be constructed in accordance with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2008* and Australian Standard AS-1926-2012.

A switchboard shall not be installed within or above the swimming pool zone or spa pool zone nor within a sauna, pursuant to AS 3000 - 2007 - Electrical Installations.

Swimming pool waste water shall be disposed to comply with the following:

Sewered Area

Backwashing systems, emptying and waste water from vacuuming systems, shall discharge into the sewerage system in accordance with the Hunter Water Corporation requirements.

Unsewered Area

A waste water management plan approved by the Principal Certifying Authority.

The swimming pool/spa water recirculation and filtration system installation shall comply with AS 1926.3-2003 Swimming pool safety - Water recirculation systems.

47. Public Swimming Pools

The public swimming pool shall be designed, constructed, maintained and operated in accordance with the *Public Health Act 2010* and *Public Health Regulation 2012*.

A switchboard shall not be installed within or above the swimming pool zone or spa pool zone nor within a sauna, pursuant to AS 3000 - 2007 - Electrical Installations.

Swimming pool waste water shall be disposed to comply with the following:

- **Sewered Area**

Backwashing systems, emptying and waste water from vacuuming systems, shall discharge into the sewerage system in accordance with the Hunter Water Corporation requirements.

48. Swimming Pool/Spa Motor and Pump

All swimming pool plant shall be sited and/or sound insulated so as to minimise emission of noise to adjoining properties. No offensive noise (as defined by the *Protection of the Environment Operations Act 1997*) shall be emitted by swimming pool plant.

Note:

Under the provisions of the *Protection of the Environment Operations (Noise Control) Regulations 2000*, a person must not cause or permit a swimming pool or spa pump to be used on residential premises if noise is audible within a habitable room of any other residential premises regardless of whether any door or window to that room is open:

- (a) before 8am or after 8pm on any Sunday or public holiday;

- (b) before 7am or after 8pm on any other day.

49. Crime Prevention

The proposal shall comply with the recommendations of the Crime Risk Assessment (Ethos Urban August 2017) prepared for the proposal.

The following measures shall also be implemented to mitigate against anti-social and criminal behaviour:

- A lighting management / maintenance plan shall be developed to provide for the replacement and repair of defective lighting within 24 hours of the defect occurring; and
- Graffiti and other damage caused by vandalism shall be removed/repaired within 24 hours.

50. Removal, Management and Transportation of Fill

All excavated fill material that is to be removed from the site shall only be distributed to:

- (a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- (b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

51. Dust Suppression

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

52. Asbestos

If asbestos is encountered during construction or demolition work, even if the works are partial demolition (e.g. one wall), measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health &*

Safety Regulations 2001. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by SafeWork NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing demolition of buildings containing asbestos, a commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring 400mm x 300mm (see below) shall be erected in a prominent visible position on the site in accordance with AS1319 “Safety Signs for the Occupational Environment”.



The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

Note: Council's Awaba Waste Management Facility can accept asbestos for a fee, provided that the material is safely secured in accordance with the relevant guidelines. At least 24 hours prior notice must be given to allow an area to be prepared for disposal.

53. Dial Before You Dig

Prior to commencement of work, the free national community service “Dial Before You Dig” shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



54. Construction Management Plan (Stage 1 and Stage 2)

A Construction Management Plan (CMP) shall be prepared for the whole development and shall specify operational details to minimise any potential impact to adjoining or adjacent properties.

The CMP shall include, but not be limited to, details to show how the construction process will be managed for both the on-site and external areas, showing the expected timeframes for each building phase.

The CMP shall be prepared and approved by the Principle Certifying Authority prior to commencement of works on site. The following matters shall be addressed, to Council's satisfaction, in the CMP:

- construction vehicles, access and parking;
- traffic management and traffic control;
- primary vehicle routes;
- potential road closures;
- control of vehicles, pedestrians and cyclists at the site access;
- safety of road users;
- parking associated with employees, contractors and site personnel;
- access to and from the work site;
- delivery and storage of equipment and materials;
- hours of work;
- timing of works;
- acoustic management and timetabling measures;
- vibration management;
- dust management procedures;
- waste management infrastructure;
- erosion and sedimentation management controls;
- hoardings and pedestrian management; and

The CMP shall include a Vehicle Movement Plan and Traffic Control Plan. It shall be prepared with the intention of minimising impact on the operation of the road network during construction. The traffic control plan shall be prepared to meet the requirements of the Roads and Maritime Services (RMS) "Roads and Traffic Authority – Traffic Control at Work Sites" manual June 2010.

55. Noise – Entertainment

The operating noise level of the functions and entertainment provided on the premises shall comply with the following:

- (a) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residential premises.
- (b) The LA10 noise level emitted from the premises shall not exceed the LA90 background noise level in any octave band frequency (31.5Hz - 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residential premises.

Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of midnight and 7:00am.

For the purpose of this condition, the LA10 is taken as the average maximum deflection of the noise emission from the premises.

A 5dB penalty shall be provided for any noise with a low frequency tone between 31.5Hz – 250Hz.

56. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

Approved Construction Times

The approved hours for construction of this development are –

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

Operational times may be amended with the written advice of Council's General Manager or delegate.

57. Hours of Operation

Following commencement of occupation, outdoor recreation activities on the Lake Site shall not occur from 10.00pm to 7.00am.

58. Acoustic Performance

The recommendations contained in the acoustic report prepared by Day Design Pty Ltd project number 5909-1.1R Rev A shall be incorporated into the design, construction and management of the development.

A copy of the Noise Management Plan recommended by the acoustic report shall be submitted to Council prior to issue of the first (interim or final) Occupation Certificate.

59. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage publication "Assessing Vibration: a technical guideline" February 2006.

60. Liquid Gaseous Wastes, Emissions and Odour Control

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

61. Emissions

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

62. Garbage Storage Areas

The garbage washing and bin storage area shall be constructed of, or lined with materials that are durable, impervious to moisture, and capable of being easily cleaned.

The storage area shall be supplied with hot and cold water, roofed and the floor bunded, graded and drained to a sump, which shall be connected to the sewer in accordance with the requirements of the Hunter Water Corporation.

Construction details shall be provided to the Principal Certifying Authority prior to the issue of the first construction certificate.

Adequate facilities shall be provided in a screened location within the premises for the separate storage of recyclable and non-recyclable material and arrangements shall be made for the regular removal and disposal of those materials.

63. Excavation – Aboriginal Relics

Should any Aboriginal relics be discovered all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

64. Aboriginal Heritage

The person having the benefit of the consent, must notify any contractors and persons involved in undertaking subsurface disturbance works, it is an offence under Section 86 of the *National Parks and Wildlife Act 1974* to harm or

desecrate an Aboriginal object unless that harm or desecration is subject of an approved Aboriginal Heritage Impact Permit (AHIP).

65. Aboriginal Heritage Impact Permit (AHIPs)

The person having the benefit of the consent must apply for an Aboriginal Heritage Impact Permit (AHIP) prior to any development impact on M3 Crusader Camp #45-7-0163 and LMRC SM2 #45-7-0361.

The required AHIPs shall be obtained prior to the commencement of any works.

66. Conservation Management Plan

A conservation management plan for the 'no harm' areas, identified in Figure 21 of the Amended Aboriginal Cultural Heritage Assessment (version 4, dated 5/6/2017), shall be developed to provide measures and protocols to ensure the deposits are protected during development works and provided with long term care and protection after completion of the development.

The person having the benefit of the consent shall submit the CMP for approval by Lake Macquarie City Council's Development Planner - Heritage Focus prior to the issue of the first Construction Certificate for the development.

67. No-Harm Zones

The two 'no-harm' areas, as identified in Figure 21 of the Amended Aboriginal Cultural Heritage Assessment (version 4, dated 5/6/2017), shall remain unaffected by the proposed development.

The person having the benefit of the consent shall engage a qualified professional to ensure appropriate measures are in place to avoid impacts on the 'no harm' areas deposit during construction. These measures shall be in accordance with the Conservation Management Plan.

68. Cultural Heritage Awareness

The person having the benefit of the consent shall ensure contractors and workers are made aware of the Aboriginal heritage resource of the site and the extents of the 'no-harm areas', prior to undertaking work on site.

69. Heritage Interpretation Plan

A Heritage Interpretation Plan shall be prepared to integrate the cultural heritage values and information about past Awabakal use and occupation identified during the archaeological investigation. The Heritage Interpretation Plan shall consider integration of aspects of Aboriginal heritage into design elements, art features, building names and, where possible, establishment of dedicated interpretive nodes that tell the stories of the site's Aboriginal past.

The person having the benefit of the consent shall submit the Heritage Interpretation Plan for approval by Lake Macquarie City Council's Development Planner - Heritage Focus prior to the issue of the first Construction Certificate for the development.

Prior to release of the Interim or Final Occupation Certificate, whichever occurs first the approved heritage interpretation plan must be implemented to the satisfaction of Lake Macquarie City Council's Development Planner – Heritage Focus.

70. Noise – Ongoing Operation of Machinery, Plant and Equipment

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

71. Construction and Fit-out of Food Premises

General Construction

The fit-out of areas used for food preparation, storage or display, shall comply with the requirements of the *Food Act 2003*, *Food Regulation 2010*, and *Australian Standard AS4674 "Design, construction and fit-out of food premises"*.

Note: Particular attention should be paid to:

- Routing of plumbing & electrical conduit
- Installation of hand wash basins and cleaners sinks
- Construction of floors, walls and ceilings
- Finishes of floors, walls and ceilings
- Cool room construction
- Installation of fixtures fittings and equipment
- Toilet facilities and airlocks
- Installation of light fittings
- Installation of floor wastes
- Ventilation and exhaust systems

Plans and Specifications

Any application for the first construction certificate shall be accompanied by plans and specification demonstrating compliance with the Food Act and Regulations, and relevant Australian Standards.

Mechanical Ventilation

Installation of any mechanical ventilation system(s) shall comply with the provisions of Part 2 of the Australian Standard AS1668.

Partition Wall Construction

Any partition wall (that do not extend to the ceiling), sills or other ledges located within food preparation areas shall be splayed on top at an angle of 45 degrees to prevent storage of articles and reveal build-up of food waste, dirt, grease or other visible matter.

Waste Traps

Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.

Environmental Management – Public Road Works

72. Erosion and Sediment Control Plan

The person having the benefit of the consent shall submit for approval, with the Construction Certificate for the public road works, an Erosion and Sediment Control Plan for the development in accordance with Council's Development Control Plan.

Sediment and Erosion Control works shall be carried out in accordance with the approved plan and no work shall commence until the erosion and sediment control works specified in the Plan are in place and their placement has been approved by the Principal Certifying Authority.

73. Noise Control

All possible steps shall be taken to silence construction equipment and the operating noise level of plant and equipment shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

The operating noise level of machinery, plant and equipment during construction site operations shall comply with Chapter 171 of the NSW EPA's Noise Control Manual.

Construction operations shall be confined between the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday. If construction operations are inaudible within occupied residential properties then the work period may be extended on Saturdays to 7.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.

Should it be necessary to use mechanical rock breakers or conduct blasting then these operations shall be confined between the hours of 9.00am and 3.30pm Monday to Friday (excluding any Public Holiday).

Noise Level Restrictions

- (i) Construction period of 4 weeks and under:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20dB(A).

- (ii) Construction period greater than 4 weeks:-

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10dB(A).

Public Roads And Drainage Construction Works

74. Public Roadways and Drainage Works Standards

The person having the benefit of the consent shall arrange for all relevant road works to be designed and constructed in accordance with the following publications (as amended or updated), as applicable:-

- a. Australian Rainfall and Runoff, 1987.

- b. Council's DCP and supporting guidelines.
- c. AUSTROADS Guide to Road Design Guide.
- d. Roads and Martine Services Delineation Guidelines.
- e. Managing Urban Stormwater documents (2004) by Landcom.
- f. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
- g. WSUD Technical Design Guidelines for South East Queensland
- h. Healthy Waterways – Water by Design Guidelines
- i. Australian Standards including, but not limited to:-
 - AS1428 - Design for Access and Mobility, Part 1 General Requirements for Access and Part 4 Tactile Indicators,
 - AS2890 - Off Street Parking

Where any inconsistency exists between these documents the person having the benefit of the consent shall verify in writing with Council, the relevant standard to be adopted.

75. Details Required Prior to Commencement – Road Works

Construction works, within public road reserves, in accordance with this development consent shall not commence until:-

- (a) detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work have been endorsed with a **Construction Certificate** by :-
 - (i) Council, or
 - (ii) an appropriately Accredited certifier accredited in accordance with the Building Professionals Board Accreditation Scheme, and
- (b) the person having the benefit of the development consent:-
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment, and
- (c) the person having the benefit of the development consent has given at least two (2) days notice to Council of the intention to commence works.

In accordance with Council's authority under Section 138 of The Roads Act 1993, a Private Certifier shall not issue a Construction Certificate for any works within an existing public road. A Construction Certificate application must be lodged with Lake Macquarie City Council for the works.

Where Council is the Principal Certifying Authority for a subdivision an application for a Construction Certificate can only be made to Lake Macquarie City Council.

A fee for applications for Construction Certificates will be required to be paid in accordance with Council's fees and charges for Construction Certificates.

76. Construction of Kerb and Gutter and Associated Works

The person having the benefit of the consent shall construct, for the full frontage of the development, in Yarrawonga Park Road and Manowie Street, kerb and gutter and associated road pavement, including drainage and adjustment to existing constructions in accordance with the provisions of the publications and standards identified in this consent

No works shall commence on site prior to the issue of a **Construction Certificate**.

77. Linemarking and Signposting

All regulatory linemarking and sign posting on Public roads shall be submitted to Council's Traffic Facilities & Road Safety Committee. The works shall not commence until approved by the Committee.

78. Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 2006. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 2012. Designs for road pavements shall be submitted to and approved by the Council prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for its approval prior to the commencement of works.

79. Traffic Control Standards

For the duration of work being carried out as part of this development, the Applicant shall ensure that traffic control is undertaken in accordance with the requirements of Australian Standards AS 1742 - Manual Uniform Traffic Control Services – Parts 1, 2 and 3.

80. Notification to Neighbours

Written notification shall be given by the Applicant to landowners and residents who live adjacent to the proposed development or who may be affected by the proposed works. The notification should include the expected date of commencement of works and a brief description of the works.

81. Fix Damage Caused by Construction Work

The person having the benefit of the consent shall make good any damage or injury caused to a public road or associated structures including drains and kerb and gutter, caused as a consequence of the works.

82. Notice of Commencement of Works

Public Road Construction works shall not commence until a meeting between the contractor and a representative of the Principal Certifying Authority (PCA) has taken place on site.

In accordance with Section 81A(4) the PCA must be given at least two days notice in writing prior to such meeting taking place.

The notice shall also include the names of the contractor undertaking construction and the developer's supervising officer.

83. Works as Executed Plan

An electronic copy of the public road's Works as Executed Plans, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principal Certifying Authority, shall be supplied to the Council. Where applicable a Registered Surveyor's Certificate certifying that all pipes have been laid within the easements shown on the Final Plan of Subdivision shall also be submitted. The Works as Executed Plan shall, in addition to construction details, show locations of service conduits.

Note that a works as executed plan plotted on film will only be accepted where the original engineering design was hand drawn and not drafted using CAD software.

84. Compliance Certificate for Works

The person having the benefit of the consent shall obtain and submit a **Compliance Certificate/s** to certify that all public road construction works have been constructed in accordance with this Development Consent, the **Construction Certificate** and all other standards specified in this consent.

An application for the Compliance Certificate and associated application fees shall be submitted prior to the commencement of works identified on the respective Construction Certificate.

The Compliance Certificate will be required to be issued prior to the issue of the Occupation Certificate.

85. Application Fees for Required Certificates for Public Road Works

The person having the benefit of the consent shall obtain any certificates as required to satisfy the conditions of this Consent.

For Council to process applications for these certificates the following fees would be payable:

Construction Certificate	\$ 4800	Plus \$65 Archival Fee	(inc GST)
Compliance Certificate	\$ 6150	Plus \$65 Archival Fee	(inc GST)

Applications for these certificates should be lodged on the approved application form and accompanied by the appropriate fee.

Where the development includes construction works valued at \$25,000.00 or more, the person having the benefit of the consent must pay the Long Service Levy, as detailed in the Building and Construction Industry Long Service Payments Scheme. The Levy must be paid prior to the issue of the Construction Certificate. The Levy may be paid directly to the Long Service Payments Corporation or to Council as agent for the Corporation. The Levy rate is 0.35% of the cost of building and construction works.

The above application fees are subject to change each financial year without notice and confirmation should be obtained from Council prior to the lodgement of any application.

86. Contribution to Provision of Public Amenities and Services (Sec. 94)

- (a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.
- (b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:
 - 14 August,
 - 14 November,
 - 14 February, and
 - 14 May;
 in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.
- (c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.
- (d) The contributions shall be paid to Council as follows:
 - Development Applications involving subdivision – prior to the release of the Subdivision Certificate;

- Development Applications involving building work – prior to the release of the first Construction Certificate;
- Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

It is the professional responsibility of the Principle Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation will be subject to the clearing of those funds.

Indexation details are available from Council's Community Planning Department.

A copy of the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

General Terms of Approval

The following approval bodies have given general terms of approval in relation to the development:

- NSW Rural Fire Service, Office of Environment and Heritage and Subsidence Advisory NSW

87. Office of Environment and Heritage

That the proponent make an application to OEH for an AHIP to 'harm' the registered Aboriginal sites/objects that will be affected by the development. In doing so, the proponent must refer to the following documents:

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011)
- *Aboriginal Cultural Heritage Consultation Requirement for Proponents* (OEH 2010)
- *Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales* (OEH 2010)

No harm can occur to any Aboriginal objects within the Crusader Union of Australia Recreation Facility (DA/2011/2016) development area unless an AHIP has been issued by OEH to authorise such harm.

The applicant must comply with the conditions of any AHIP that is issued by OEH.

88. NSW Rural Fire Service

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement stage 1 of any building works and in perpetuity all grounds within the Lakeside Site and Triangle Block and for a distance of 70 metres in all directions around the refuge building within 100 Acre Woods shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. A Fuel Management Plan shall be established to ensure the ongoing management of the Asset Protection Zones within the subject site.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - In recognition that an unreliable reticulated water supply exists, a minimum 10,000 litre water supply shall be provided for fire fighting purposes in proximity to the proposed refuge building, excluding drenching systems.
 - The water source shall be made available or located within the inner protection area (IPA) and away from the structure.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
 - Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
 - Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
 - Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for fire fighters.

- All associated fittings to the tank shall be metal, up to and including any taps.
- Pumps are to be shielded from the direct impacts of bush fire.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations' within the Lakeside Site.

Access

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

4. The fire trail providing a loop track around the proposed camping grounds, the fire trail from Helena Street, comprising of sections of the Balcolyn Fire Trail and Fishery-Balcolyn Link Fire Trail, and the access trail from Amphora Drive providing access to the loop track shall be upgraded to comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

5. Internal roads within the Lakeside Site shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', except where modified in the submitted bush fire assessment report prepared by Building Code and Bush Fire Hazard Solutions (Referenced 151178b, Dated 30 November 2016) and shall generally reflect the layout of the submitted plans prepared by Glendenning Szoboszlay Architects Pty Ltd (Referenced J1264 A002, A022-24, A031, rev A, dated 29 November 2016). This includes but is not limited to the following:

- That the proposed loop road around the sports oval, named Rec. Space 2, provides a minimum carriageway of 3.5 metres.
- The proposed through road from and back onto Yarrawonga Park Road within the Lakeside Site shall comply with the requirements for Internal Roads as detailed in section 4.2.7 of Planning for Bush Fire Protection 2006

6. The proposed pedestrian access from the Triangle Block to the proposed camping grounds shall be constructed to a minimum of 2m wide, with a minimum clearance of 1m either side.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

7. Arrangements for emergency and evacuation are to comply with section 4.2.7 of Planning for Bush Fire Protection 2006. An Emergency/Evacuation Plan is to be prepared in accordance with the NSW RFS 'Development

Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'. This plan shall include the following details:

- Under what circumstances will the complex be evacuated;
- Where will occupants be evacuated to;
- Roles and responsibilities of persons coordinating the evacuation;
- Roles and responsibilities of persons remaining with the complex after evacuation;
- A procedure to contact the local NSW Rural Fire Service Fire Control Centre / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to;
- Access to the facility, in particular ensuring unobstructed access at all times during occupation; and
- Clearly defined management procedure regarding the closure of the 100 Acre Wood Site on the days specified below:
 - a) During a Total Fire Ban, which may include Fire Danger Ratings (FDRs) of Very High and Extreme or higher; or b) During period of Extreme or Catastrophic FDRs; or
 - c) When directed by the NSW RFS.
- Paths from tents to the refuge area are to be safe and management of surface fuels is to be less than 4 tonnes/hectare (i.e. inner protection area standard).
- The tents are to be located within 50 metres of the refuge building. The refuge building shall be clearly signposted.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

8. Construction of the refuge building shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

9. Construction of the proposed multi-purpose building, office building and dwellings shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

10. The proposed staging equipment shed, located on the Triangle Block, shall be constructed from non-combustible materials and to mitigate ember attack. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Landscaping

11. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

89. Subsidence Advisory NSW

1. The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.

Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.

2. This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

3. Prescribed Design Parameters for Lots 21, 22, 23, 24, 25, 26, 27 & 33 in DP 1158510

The proposed structure(s) is to be designed to be “*safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable*” using the subsidence parameters outlined below:

- a) Maximum vertical subsidence: 150 mm
- b) Maximum Horizontal Strains (+/-): 2 mm/m
- c) Maximum Tilt: 2 mm/m
- d) Maximum Radius of Curvature: 5 km

4. Prescribed Design Parameters for All Other Lots

The proposed structure(s) is to be designed to be “*safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable*” using the subsidence parameters outlined below:

- e) Maximum vertical subsidence: 600 mm
- f) Maximum Horizontal Strains (+/-): 3 mm/m
- g) Maximum Tilt: 4 mm/m
- h) Maximum Radius of Curvature: 3.5 km

5. Submit an “Engineering Impact Statement” for acceptance by SANSW, which shall identify the:

- a. Lot and DP for the proposed improvement
- b. Mine Subsidence Parameters used for the design
- c. Main building elements and materials.

- d. Risk of damage due to mine subsidence
- e. Design measures proposed to control the risks.
- f. Provide certification that the design will ensure the improvement remains
*“safe, serviceable and any damage from mine subsidence shall be limited to
 ‘very slight’ in accordance with AS2870 (Damage Classification), and readily repairable”.*

6. Submit a final design incorporating the design methodology contained in the *“Engineering Impact Statement”*, for acceptance by *Subsidence Advisory NSW* prior to commencement of construction. It shall include certification by a qualified structural engineer to the effect that the improvements will remain *“safe, serviceable and any damage from mine subsidence shall be limited to ‘very slight’ damage in accordance with AS2870 (Damage Classification), and readily repairable”* taking into consideration the mine subsidence parameters outlined above.

7. Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
M13-Open Space & Recreation Facilities-Capital-CPI	\$21,947.53
M13-Open Space & Recreation Facilities-Land-LVI	\$4,937.00
M13-Roads-Capital-R004 & R005-CPI	\$26,390.68
M13-Public Transport Facilities-CPI	\$1,112.40
M13-Community Facilities-Capital-CPI	\$8,780.14
M13-Community Facilities-Land-LVI	\$1,241.91
M13-Plan Preparation & Administration-CPI	\$3,425.32
TOTAL \$67,834.98	